GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

MINES AND MINERALS – Extension of the period of the Mining Lease for Manganese & Quartz over an extent of 18.74 acres in Sy No.78/2 & 105/P of Pedanadipalli Village, Cheepurupalli Mandal, Vizianagaram District, in favour of Sri Promod Bansilalji Kacholia S/o Late Sri B.G.Kacholia, upto (50) years from the date of execution of the lease deed i.e. from 31.03.1973 to 30.03.2023 – Orders –Issued.

INDUSTRIES AND COMMERCE [M-III] DEPARTMENT

G.O.MS.No. 153 **Dated: 03-11-2016**

Read the following:

1.G.O.Ms.No.1070, Industries, dt.01.12.1971.
2.From the DM&G, Hyderabad, single file No.6980/R1.1/1992, dt.17.03.2009.
3.Govt.Memo.No.9399/M.III(1)/2002, dt.17.05.2002.
4.Govt.Memo.No.3976/M.III(2)/2009-1, dt.14.03.2011.
5.From Sri Sri Promod Bansilalji Kacholia, rep.dt.19.05.2011.
6. Orders dt.10.04.2012 of the Hon'ble High Court in Writ Petition No.9916/2012.
7. From the Director of Mines & Geology, Hyderabad, single file No.6980/R1.1/1992, dt.01.02.2014.
8. Govt.Memo.No.3976/M.III(2)/2009-2, dt.19.02.2014.
9. Govt.Memo.No.3976/M.III(2)/2009-3, dt.19.02.2014.
10. From the Director of Mines & Geology, Hyderabad, single file No.6980/R1.1/1992, dt.16.10.2016.

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O R D E R:

In the reference 1st read above, Government have granted a Mining Lease for Manganese & Quartz over an extent of 48.62 acres in Sy No.78/2 & 105/P of Pedanadipalli Village, Cheepurupalli Mandal, Vizianagaram District, in favour of Sri B.G.Kacholia for a period of 20 years. The lease was executed w.e.f. 31-03-1973, which is expired by 30-03-1993.

2. Further, the General Power of Attorney holder Sri K.A.Sunder Singh has filed an application for grant of 1st Renewal of Mining Lease as per Rule 24(A) of MC Rules, 1960. The said renewal application has been received on 10-03-1992. Since, the filing of 1st renewal application is well within the stipulated period, vide reference 3rd read above, the Government, in principle, decided to grant 1st renewal of Mining Lease to Sri B.G.Kacholia for Manganese & Quartz over the subject area and hence, requested the applicant to submit Approved Mining Plan within a period of 6 months from the date of receipt of such memo.

3. When the matter stood thus, M/s Mineral Mining and Trading Corporation filed an application for Manganese over an extent of 53.90 acres in Sy.Nos.78 & 105 of Pedanadipalli Village, Cheepurupalli Mandal, Vizianagaram District and the same has been received in the O/o ADM&G, Vizianagaram on 04-12-2007.

4. Since, Sri B.G.Kacholia failed to submit the Approved Mining Plan within the period stipulated by the Government vide reference 3rd read above, a show cause notice was issued in the reference 4th read above to Sri B.G.Kacholia as to why the 1st renewal application should not be rejected.

5. In turn, in the reference 5th read above, Sri Pramod Bansilalji Kacholia S/o (late) B.G.Kacholia submitted the reply to the show cause notice and requested to consider their 1st renewal of Mining Lease application for grant. Further, he filed a Writ Petition No.9916/2012 before Hon'ble High Court of A.P., Hyderabad seeking a direction to declare the in-action of the State Government in considering their explanation submitted for the show cause notice and not passing orders on the application for grant of 1st renewal of Mining Lease. The Hon'ble High Court, in the reference 6th read above, directed the Government to consider the explanation of the petitioner dt.19-05-2011 submitted to the show cause notice on merits in accordance with law and pass necessary orders in accordance with the prescribed procedure and the same was referred to the Director of Mines & Geology, A.P., Hyderabad for examination.

6. Based on the recommendations made by the Director of Mines & Geology, Hyderabad in the reference 7th read above, the Government have decided in principle to grant the 1st renewal of Mining Lease for an extent of 18.74 Acres (based on the recommendations of the Assistant Director of Mines & Geology, Vizianagaram reducing the extent from 48.62 acres to 18.74 acres due to the existence of the structures) in favour of Sri Pramod Bansilalji Kacholia, S/o. Late Sri B.G.Kacholia who is the legal heir to Late Sri B.G.Kacholia vide in the reference 8th read above subject to submission of Approved Mining Plan from the IBM within a period of (6) months as stipulated under Rule 22 (4) of M.C. Rules, 1960 and submission of Environmental Clearance from MoEF as per Notification No.S.O.1533, dt.14.09.2006 and also submission of Consent for Establishment (CFE) & Consent for Operation (CFO) from Joint Chief Environmental Engineer, A.P. Pollution Control Board, Visakhapatnam and also submission of an undertaking by notarized affidavit to comply with Regulation 109 & 127 of MMR 1961 and conduct mining operations duly taking all safety and preventive methods by not causing any inconvenience to the surroundings duly issuing a Show Cause Notice to M/s Minerals Mining & Trading Corporation under Rule 26(1) of M.C. Rules, 1960, as to why the Mining Lease application dated 04-12-2007 filed by them should not be rejected on the ground that the applied area is completely overlapping the mining lease area which is held by Sri B.G.Kacholia.

7. In the reference 10th read above, the Director of Mines & Geology, A.P., Hyderabad has reported that Sri Sri P.B.Kacholia has submitted the following documents:

(i) Mining Plan approved by the IBMvide Lr.No.AD/VZNR/MP/MN-42/HYD, dt.05.02.2015.
(ii) Environmental Clearance No. SEIAA/AP/VZN/MIN/04/2016/68, dt.17.05.2016.
(iii) CFE order No.9341-VZN/CB/ZO-VS/CFE/2016-462, dt.04.06.2016.
(iv) CFO Order No.9341-VZN/APCB/ZOVSP/CFO/2016-551, Dt.23.06.2016

8. Further, the Director of Mines & Geology, A.P., Hyderabad has reported that the Ministry of Mines, Government of India has enacted Mines & Minerals (Development & Regulation) (Amendment) Act, 2015, which came into force w.e.f 12.01.2015. As per sub-section 6 of section 8 A of the Act, where the mineral is used other than captive purpose, the period of lease shall be extended upto a period ending 31.03.2020 with effect from the date expiry of the period of renewal last made or till the completion of the renewal period or a period of 50 years from the date of grant of such lease, whichever is later. In the instant case, the period of (50) years calculated from the date of execution of lease deed is from 31.03.1973 to 30.03.2023 being a later one and the lease was granted for non-captive purpose. Since, 1st renewal of lease is not granted so far, he has recommended that instead of considering for grant of 1st RML, the lease period may be extended upto (50) years from the date of execution of lease i.e, upto 30.03.2023 as per the sub-section (6) of section 8 A of the MMDR (Amendment) Act, 2015.

9. The Director of Mines & Geology, A.P., Hyderabad has, therefore, requested the Government to extend the period of the mining lease up to 50 years from the date of execution of the lease deed i.e., from 31.03.1973 to 30.03.2023 as per the sub section (6) of section 8A of the Mines & Minerals (Development & Regulation) Act, 1957 for Manganese & Quartz over an extent of 18.74 Acres in Sy.No.78/2 & 105/P of Pedanadipalli Village, Cheepurupalli Mandal, Vizianagaram District for grant in favour of Sri Promod Bansilalji Kacholia, S/o. Late Sri B.G.Kacholia duly rejecting the Mining Lease application filed by M/s. Minerals Mining and Trading Corporation as applied area is overlapping with the existing Mining Lease of Sri P.B.Kacholia.

10. Government, after careful consideration of the matter, hereby extends the period of the mining lease up to 50 years from the date of execution of the lease deed i.e., from 31.03.1973 to 30.03.2023 as per the sub section (6) of section 8A of the Mines & Minerals (Development & Regulation) Act, 1957, for Manganese & Quartz over an extent of 18.74 Acres in Sy.No.78/2 & 105/P of Pedanadipalli Village, Cheepurupalli Mandal, Vizianagaram District in favour of Sri Promod Bansilalji Kacholia, S/o. Late Sri

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B.G. Kacholia subject to satisfaction of Mineral Concession Rules, 1960 and Mines & Minerals (Development & Regulation) Act, 1957 and the rules made there under in general and also subject to the conditions in Form-K prescribed under the Mineral Concession Rules, 1960 and to the additional conditions specified in the Appendix to this order and also subject to satisfaction of Andhra Pradesh Minor Mineral Concession Rules, 1966. The lessee should submit an undertaking by notarized affidavit to comply with Regulation 109 & 127 of MMR 1961 and conduct mining operations duly taking all safety and preventive methods by not causing any inconvenience to the surroundings, as called for, in the reference 8th read above.

11**.** The rates of royalty, dead rent, surface rent and water charges shall be collect as applicable as per the rules in force and as revised by Government from time to time.

12. The Director of Mines of Mines, A.P., Hyderabad shall take necessary action accordingly, in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SREEDHAR
SECRETARY TO GOVERNMENT (MINES)

To
Sri Pramod Bansilalji Kacholia,
R/o Yashoda Old Radhakisan Plot,
Behind Carmel School, Akola Post, Maharashra State **(BY RPAD)**

The Director of Mines and Geology, Hyderabad. [w.e:File & AMP]
Copy to:-
The Asst. Director of Mines & Geology, Vizianagaram.
The Collector, Vizianagaram District.
The Secretary to Govt. of India, Ministry of Mines,
Shastry Bhavan, New Delhi-110 001.
The Controller General, Indian Bureau of Mines, "A" Block, 2nd Floor, Indira Bhavan, Civil Lines, Nagpur-440 001.
The Director General, Mines Safety, Dhanbad, Bihar.
The Regional Controller of Mines, Koti, Hyderabad.
SF/SC (C.No.3976/M.III(2)/2009)

"Copy of this order is available on Internet and can be accessed at address http://www.ap.gov.in/goir".

//FORWARDED::BY ORDER//

SECTION OFFICER